

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FAROUK SYSTEMS, INC.

versus

FHI HEAT, INC.

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CIVIL ACTION NO. H-07-2333

ORDER OF DISMISSAL


The Court having been advised by counsel for the parties that an amicable settlement has been reached in this action, it is

ORDERED AND ADJUDGED that, pursuant to Fed. R. Civ. P. 41(a)(2), this cause is hereby **DISMISSED** on the merits without prejudice to the right of counsel to move for reinstatement of this action within ninety (90) days if settlement is not consummated.

FURTHERMORE, the Court shall retain jurisdiction to enforce the settlement agreement in its discretion upon an appropriate motion made within ninety (90) days of this Order. *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381-82, 114 S. Ct. 1673, 1677 (1994); *Bell v. Schexnayder*, 36 F.3d 447, 448-50 (5th Cir. 1994); and 298 F2d 424, *Hospitality House v. Gilbert*.

The Clerk shall enter this Order and provide a copy to all parties.

SIGNED on this 28th day of October, 2009 at Houston, Texas.


VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE